

Republic of the Philippines
House of Representatives
Quezon City

SIXTEENTH CONGRESS
First Regular Session

House Bill No. **2853**



Introduced by: REPRESENTATIVE ABIGAIL FAYE C. FERRIOL

EXPLANATORY NOTE

Women and children are two sectors that suffer from marginalization and discrimination in present society. They are placed at a disadvantageous position on account of gender and age. The attached bill aims to uplift the lives of suffering women and children by strengthening and expanding the scope of social welfare extended to them.

The Constitution has recognized the plight of women and children. A number of provisions are devoted to them. For one, the rights of women form part of Article XIII of the Constitution which covers Social Justice and Human Rights. In the case of children, Article XV Section 3 (2) of the Constitution specifically states that:

The right of children to assistance, including proper care and nutrition, and special protection from all forms of neglect, abuse, cruelty, exploitation and other conditions prejudicial to their development.

Moreover, the Philippines is also bound by international agreements produced in the United Nations that it has agreed to. Two examples are the Convention of the Rights of the Child (CRC) and Convention on the Elimination of all forms of Discrimination Against Women (CEDAW). As a signatory to these agreements, it has committed to the advancement of the rights and welfare of women and children.

This bill recognizes the need to bolster the capacity of the Department of Social Welfare and Development (DSWD) in mitigating and alleviating the ill effects of marginalization and discrimination experienced by women and children. The current facilities are stretched to cover several provinces or cities; some are assigned to cover more than one region. The facilities have to be made more

accessible to those who are in dire need of the services. To realize this, it is the purpose of this legislation that there will be at least one shelter for women and children established in each city in the National Capital Region and each province in the Philippines.

The shelters will serve as temporary refuge and support but are not limited to the following: street children, abandoned children, women and children who are victims of physical and sexual abuse, homeless or those displaced by armed conflict. These shelters will also serve the purpose of uplifting the conditions and rehabilitating the lives of those under its care.

This proposed measure is a refiling of the same bill during the 15th Congress and reflects the changes made during the deliberations in the Committee on Women and Gender Equality.


ABIGAIL FAYE C. FERRIOL
Representative
Kalinga Party-list

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AN ACT
ESTABLISHING RESOURCE DEVELOPMENT AND CRISIS ASSISTANCE CENTERS FOR
WOMEN AND CHILDREN IN EVERY PROVINCE AND CITY OF THE COUNTRY, AMENDING FOR
THE PURPOSE REPUBLIC ACT NO. 8505, OTHERWISE KNOWN AS THE "RAPE VICTIM
ASSISTANCE AND
PROTECTION ACT OF 1998"

Be it enacted by the Senate and the House of Representatives of the Philippines in Congress assembled:

SECTION 1. Section 1 of Republic Act No. 8505 shall be amended to read as follows:

"SECTION 1. *Title.* – This Act shall be known as the [Rape Victim Assistance and Protection Act of 1998] RESOURCE DEVELOPMENT AND CRISIS ASSISTANCE FOR WOMEN AND CHILDREN ACT OF 2012."

SEC. 2. Section 2 of the same Act is hereby also amended to read as follows:

"SEC. 2. *Declaration of Policy.* – It is hereby declared the policy of the State to [provide necessary assistance and protection for rape victims] TO VALUE THE DIGNITY OF WOMEN AND CHILDREN, DEFEND THEIR RIGHTS, AND RECOGNIZE THEM ROLE IN NATION-BUILDING AND ALL OTHER IMMEDIATE ASSISTANCE AS MAY BE NECESSARY TO PROTECT THEM. Towards this end, the [government shall coordinate its various agencies and non-government organizations to work hand in hand for the establishment and operation of a rape crisis center in every province and city that shall assist and protect rape victims in the litigation of their cases and their recovery.] STATE SHALL ENSURE THE PROTECTION OF THEIR FUNDAMENTAL RIGHTS AND SHALL PROVIDE THEM WITH FACILITIES AND OPPORTUNITIES THAT WILL ENHANCE THEIR WELFARE AND ENABLE THEM TO REALIZE THEIR FULL POTENTIAL IN THE SERVICE OF THE NATION. THE STATE SHALL ALSO ENDEAVOR TO PROVIDE WOMEN AND CHILDREN WITH UTMOST

SUPPORT AND ASSISTANCE WHICH SHALL INCLUDE AMONG OTHERS, LEGAL SERVICES, LIVELIHOOD AND SKILLS DEVELOPMENT, PSYCHOLOGICAL COUNSELING AND ALL OTHER ASSISTANCE NECESSARY TO PROTECT THEM AGAINST ALL FORMS OF NEGLECT, ABUSE, CRUELTY, EXPLOITATION AND OTHER ACTS PREJUDICIAL TO THEIR WELFARE AND DEVELOPMENT.

SEC. 3. Section 3 of the same Act is likewise amended to read as follows:

SEC. 3. [Rape] RESOURCE DEVELOPMENT AND Crisis ASSISTANCE CenterS. – [The Department of Social Welfare and Development (DSWD), the Department of Health (DOH), the Department of the Interior and Local Government (DILG), the Department of Justice (DOJ), and a lead non-government organization (NGO) with proven track record or experience in handling sexual abuse cases, shall establish in every province and city a rape crisis center located in a government hospital or health clinic or in any other suitable place for the purpose of:

- (a) Providing rape victims with psychological counseling, medical and health services, including their medico-legal examination;
- (b) Securing free legal assistance or service, when necessary, for rape victims;
- (c) Assisting rape victims in the investigation to hasten the arrest of offenders and the filing of cases in court;
- (d) Ensuring the privacy and safety of rape victims;
- (e) Providing psychological counseling and medical services when necessary for the family of rape victims;
- (f) Developing and undertaking a training program for law enforcement officers, public prosecutors, lawyers, medico-legal officers, social workers, and barangay officials on human rights and responsibilities; gender sensitivity and legal management of rape cases; and
- (g) Adopting and implementing programs for the recovery of rape victims.

The DSWD shall be the lead agency in the establishment and operation of the Rape Crisis Center.

THERE SHALL BE ESTABLISHED RESOURCE DEVELOPMENT AND CRISIS ASSISTANCE CENTERS FOR WOMEN AND CHILDREN IN EVERY PROVINCE AND CITY OF THE COUNTRY, HEREINAFTER REFERRED TO AS THE "CENTERS." THESE CENTERS SHALL BE UNDER THE MANAGEMENT AND SUPERVISION OF THE DEPARTMENT OF SOCIAL WELFARE AND DEVELOPMENT (DSWD) IN CONSULTATION WITH CONCERNED LOCAL GOVERNMENT UNITS (LGUs).

A. COMPOSITION OF THE INTER-AGENCY COUNCIL TO BE KNOWN AS THE ADVISORY COUNCIL –

AN INTER-AGENCY COUNCIL SHALL BE CONVENED TO SET THE CRITERIA FOR THE SELECTION OF THE SITES OF THE CENTERS ALL OVER THE COUNTRY TAKING INTO CONSIDERATION THE EXISTING FACILITIES OF THE NATIONAL GOVERNMENT AND LGUs, NON-GOVERNMENT AND RELIGIOUS ORGANIZATIONS IN PARTNERSHIP WITH THE GOVERNMENT. THE COUNCIL SHALL BE COMPOSED OF AUTHORIZED REPRESENTATIVES FROM THE DSWD, DILG, DOH, DOJ, DEPARTMENT OF TRADE AND INDUSTRY (DTI), DEPARTMENT OF EDUCATION (DEPED), DEPARTMENT OF LABOR AND EMPLOYMENT (DOLE), NATIONAL ECONOMIC AND DEVELOPMENT AUTHORITY (NEDA), PHILIPPINE COMMISSION ON WOMEN (PCW), NATIONAL YOUTH COMMISSION (NYC), TECHNICAL EDUCATION AND SKILLS DEVELOPMENT ACADEMY (TESDA), WOMEN AND CHILDREN CONCERNS DIVISION OF THE PHILIPPINE NATIONAL POLICE (PNP/WCCD), THE COMMISSION ON HIGHER EDUCATION (CHED) AND NON-GOVERNMENT AND PEOPLE'S ORGANIZATIONS DULY ACCREDITED BY NATIONAL GOVERNMENT AGENCIES, SHALL BE INCLUDED AS MEMBERS OF ADVISORY COUNCIL. THE INTER-AGENCY COUNCIL, DULY CHAIRED BY THE DSWD, SHALL ALSO ACT AS AN ADVISORY COUNCIL TO OVERSEE THE EFFECTIVE IMPLEMENTATION OF THE CENTERS' PROGRAMS.

B. FUNCTIONS OF THE CENTERS. –

THE CENTERS SHALL HAVE THE FOLLOWING FUNCTIONS TO ENSURE COMPREHENSIVE AND INTEGRATED SERVICES:

1. TO SERVE AS THE VENUE FOR CONSCIOUSNESS-RAISING, CAPABILITY-BUILDING AND FUNCTIONAL LITERACY ENHANCEMENT PROGRAMS, AMONG

OTHERS, THAT WILL ENHANCE PUBLIC AWARENESS OF ISSUES AND PROMOTE COMMUNITY PARTICIPATION;

2. TO UNDERTAKE PROGRAMS GEARED TOWARDS THE DEVELOPMENT OF MATERNAL AND CHILD HEALTH CARE, SELF-ENHANCEMENT AND THE DEVELOPMENT OF SKILLS FOR LIVELIHOOD GENERATION, SOCIAL COMMUNICATION, AND OTHER RELATED SKILLS WHICH WILL HELP WOMEN AND CHILDREN TO BECOME PRODUCTIVE MEMBERS OF SOCIETY;
3. TO PROVIDE FREE LEGAL SERVICES, MEDICAL ASSISTANCE INCLUDING MEDICO-LEGAL EXAMINATIONS AND PSYCHOLOGICAL COUNSELING TO VICTIMS OF RAPE AND OTHER CASES OF VIOLENCE AGAINST WOMEN AND CHILDREN ENSURING THEIR PRIVACY AND SAFETY;
4. TO UNDERTAKE ACTIVITIES RELATED TO MORAL RECOVERY AND GENDER-SENSITIVE VALUE FORMATION, COUNSELING, REHABILITATION AND PSYCHO-SOCIAL PROGRAMS;
5. TO PROVIDE TEMPORARY SHELTER TO ABUSED WOMEN AND THEIR CHILDREN;
6. TO ASSIST RAPE VICTIMS OR VICTIMS OF OTHER FORMS OF ABUSES IN THE INVESTIGATION TO HASTEN THE ARREST OF OFFENDERS AND THE FILING OF CASES IN COURT;
7. TO PROVIDE PSYCHOLOGICAL COUNSELING AND MEDICAL SERVICES WHEN NECESSARY FOR THE FAMILY OF RAPE VICTIMS OR VICTIMS OF OTHER FORMS OF ABUSES;
8. TO PROVIDE SKILLS TRAINING OR LIVELIHOOD ASSISTANCE TO SURVIVORS OF VIOLENCE;
9. TO STRENGTHEN AND FACILITATE LINKAGES OF WOMEN'S AND CHILDREN'S GROUPS AND ORGANIZATIONS WITH RELEVANT GOVERNMENT AGENCIES AND LOCAL GOVERNMENT UNITS TO MAXIMIZE THE DELIVERY OF BASIC AND SUPPORT SERVICES FOR WOMEN AND CHILDREN AND ADVOCATE FOR THE PROTECTION AND ADVANCEMENT OF THEIR RIGHTS;
10. TO DEVELOP AND UNDERTAKE A CONTINUING CAPACITY-BUILDING AND TRAINING PROGRAM FOR FRONTLINE SERVICE PROVIDERS INCLUDING BUT NOT LIMITED TO, LAW ENFORCEMENT OFFICERS, PUBLIC PROSECUTORS, LAWYERS, MEDICO-LEGAL OFFICERS, PSYCHOLOGISTS, DEVELOPMENT WORKERS, SOCIAL WORKERS, HEALTH WORKERS, THERAPISTS AND BARANGAY OFFICIALS ON HUMAN RIGHTS AND

RESPONSIBILITIES, GENDER SENSITIVITY AND LEGAL/CASE MANAGEMENT OF SITUATIONS/CASES INVOLVING WOMEN AND CHILDREN; AND

11. TO PERFORM SUCH OTHER FUNCTIONS AS MAY BE NECESSARY TO CARRY OUT THE OBJECTIVES OF THIS ACT.

C. CLIENTS OF THE CENTERS –

ALL WOMEN AND CHILDREN UNDER THE FOLLOWING CIRCUMSTANCES SHALL BE ENTITLED TO PROTECTION AND ASSISTANCE BY THE CENTER:

1. VICTIMS OF PROSTITUTION AND SEXUAL EXPLOITATION;
2. VICTIMS OF DOMESTIC VIOLENCE, ABUSE AND BATTERY;
3. VICTIMS OF RAPE, INCEST, SEXUAL ABUSE, HARASSMENT OR MOLESTATION;
4. VICTIMS OF ILLEGAL RECRUITMENT, TRAFFICKING AND/OR LABOR EXPLOITATION;
5. VICTIMS OF ARMED CONFLICT, NATURAL OR ENVIRONMENTAL DISASTERS WHO ARE SUFFERING FROM TRAUMA DUE TO THE TRAGIC DEATH OR DISPLACEMENT OF FAMILY MEMBERS, DISLOCATION OR LOSS OF LIVELIHOOD;
6. ABANDONED AND RUN-AWAY WOMEN AND CHILDREN;
7. WOMEN AND CHILDREN IN DETENTION;
8. VICTIMS OF ANY FORM OF VIOLENCE AND SUFFERING FROM ANY CRISIS SITUATION;
9. VICTIMS SUFFERING FROM MENTAL, EMOTIONAL, PSYCHOLOGICAL AND PHYSICAL DISABILITIES NEEDING SPECIAL SUPPORT AND ASSISTANCE; AND
10. VICTIMS OF OTHER CIRCUMSTANCES AS MAY BE DETERMINED BY THE DSWD.

D. PERSONNEL/STAFF COMPLEMENT OF THE CENTERS –

EACH CENTER SHALL BE HEADED BY A FEMALE DIRECTOR WHO HOLDS A BACHELOR'S DEGREE IN SOCIAL WORK OR COMMUNITY DEVELOPMENT OR SIMILAR COURSES, HAS A MINIMUM EXPERIENCE OF FIVE (5) YEARS IN COUNSELING, SOCIAL AND PSYCHOLOGICAL SERVICES AND OTHER RELATED FIELD OR EXPERIENCE, AND POSSESSES A PROVEN TRACK RECORD AS AN ADVOCATE OF WOMEN'S ISSUES AND EXPERTISE IN GENDER-RESPONSIVE TRAINING AND PROGRAMS FOR CAPABILITY-BUILDING AND IS OF GOOD MORAL CHARACTER

THE SECRETARY OF THE DSWD, IN CONSULTATION WITH THE HEADS OF THE CONCERNED LOCAL GOVERNMENT UNIT SHALL APPOINT THE DIRECTOR AND OTHER NECESSARY PERSONNEL OF THE CENTER. THE STAFF COMPLEMENT OF THE CENTER SHALL BE SUBJECT TO THE APPROVAL OF THE DEPARTMENT OF BUDGET AND MANAGEMENT.

VOLUNTEERS FROM THE VARIOUS NON-GOVERNMENT ORGANIZATIONS MAY EXTEND PROFESSIONAL, HOUSEHOLD, RECREATIONAL, AND TRAINING EXPERTISE TO THE CENTER. STUDENTS OF SOCIAL WORK AND WOMEN STUDIES AND OTHER RELATED PROGRAMS WHO ARE IN PRACTICUM COURSES MAY RENDER VOLUNTARY SERVICES TO THE CENTER. THE PERSONNEL AND STAFF AS WELL AS VOLUNTEER WORKERS SHALL UNDERGO REGULAR TRAININGS ON HOW BEST TO HANDLE THE DIFFERENT SITUATIONS OF THE BENEFICIARIES OF THE CENTERS.

SEC. 4. RA 8505 is hereby further amended by inserting the following new Sections after Sec. 3 thereof:

SEC. 4. REHABILITATION AND DEVELOPMENT PROGRAM. – THE DSWD IN CONSULTATION WITH THE INTER-AGENCY COUNCIL CONVENED UNDER SECTION 3 (A) HEREOF, SHALL WITHIN SIX (6) MONTHS FROM THE APPROVAL OF THIS ACT, FORMULATE A PROGRAM FOR THE REHABILITATION, DEVELOPMENT AND PROTECTION OF WOMEN AND CHILDREN, MENTIONED IN SECTION 3 (B) HEREOF. THE COUNCIL SHALL ALSO OVERSEE THE EFFECTIVE IMPLEMENTATION OF THE PROGRAMS OF THE CENTER AND MONITOR THE ACCOMPLISHMENTS OF PARTICIPATING AGENCIES. IT SHALL ALSO ACT AS AN ADVISORY BOARD.

THE DSWD MAY CALL ON NATIONAL AGENCIES AND LOCAL GOVERNMENT UNITS, ACADEMIC INSTITUTIONS AND INTERNATIONAL ORGANIZATIONS TO ASSIST IN THE IMPLEMENTATION OF THIS ACT BY WAY OF PROGRAM COLLABORATION AND FUNDING AUGMENTATION, AMONG OTHERS.

SEC. 5. AUTHORITY TO ACCEPT DONATIONS. – THE DSWD, THROUGH THE PRESIDENT OF THE PHILIPPINES, MAY ACCEPT DONATIONS AND GRANTS, BOTH DOMESTIC AND FOREIGN FOR PURPOSES RELEVANT TO THE FUNCTIONS OF THE CENTERS. THE DONATIONS AND GRANTS SHALL BE ALLOTTED TO VARIOUS

CENTERS IN SUCH AMOUNT AS MAY BE DEEMED BEST BY THE DSWD OR FOR THE PURPOSES SPECIFIED BY THE DONOR. SUCH DONATIONS AND GRANTS SHALL BE SUBJECT TO PERTINENT ACCOUNTING AND AUDITING RULES AND REGULATIONS.

SEC. 5. Sections 4, 5 and 6 of RA 8505 are hereby renumbered accordingly as Sections 6, 7 and 8.

SEC 6. Sections 7 and 8 of RA 8505 are hereby deleted.

SEC 7. APPROPRIATIONS. The amount necessary for the implementation of this Act shall be included in the budget of the DSWD under the Annual General Appropriations Act.

SEC 8. IMPLEMENTING RULES AND REGULATIONS – Within ninety (90) days upon the approval of this Act, the DSWD and all concerned agencies shall formulate rules and regulations as may be necessary for the proper implementation thereof.

SEC. 9. SEPARABILITY CLAUSE. – If any part, section or provision of this Act is declared invalid or unconstitutional, the other parts thereof not affected thereby shall remain valid.

SEC. 10. REPEALING CLAUSE. – All laws, acts, presidential decrees, executive orders, administrative orders, rules and regulations inconsistent with or contrary to the provisions of this Act are deemed amended, modified or repealed accordingly.

SEC. 11. EFFECTIVITY. – This act shall take effect fifteen (15) days after the completion of its publication in at least two (2) newspapers of general circulation.

Approved,